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DUSTIN MCCASKILL  
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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 vs.  
13 DUSTIN MCCASKILL ,  
14 Defendant.

**Case No.: 2:15-cr-00030-GMN-CWH**  
**STIPULATION TO EXTEND**  
**MOTION DEADLINES**  
(Fifth Request)

15  
16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United  
17 States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United  
18 States of America, and Rene L. Valladares, Federal Public Defender, and BRENDA WEKSLER,  
19 Assistant Federal Public Defender, counsel for DUSTIN MCCASKILL, that the parties herein shall  
20 have to and including May 28, 2015, by the hour of 4:00 p.m., within which to file any and all  
21 responsive pleadings.

22 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall  
23 have to and including June 4, 2015, by the hour of 4:00 p.m., within which to file any and all replies  
24 to dispositive motions.

25 This Stipulation is entered into for the following reasons:

- 26 1. The client is in custody and does not oppose the continuance.  
27 2. The parties have commenced negotiations which might obviate the need for the  
28 Government to respond.

1           3.       The additional time requested herein is not sought for purposes of delay, but merely  
2 to allow counsel for the defendant sufficient time to complete necessary research, prepare and submit  
3 appropriate pretrial motions.

4           4.       Denial of this request for continuance would deny counsel for the defendant sufficient  
5 time to effectively and thoroughly prepare and submit pretrial motions and notices of defense, taking  
6 into account the exercise of due diligence.

7           5.       Additionally, denial of this request for continuance could result in a miscarriage of  
8 justice. The additional time requested by this Stipulation is excludable in computing the time within  
9 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States  
10 Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A), considering the factors  
11 under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

12           6.       This is the fifth stipulation to continue filed herein.

13 DATED: May 13, 2015

14  
15           RENE L. VALLADARES  
16           Federal Public Defender

              DANIEL G. BOGDEN  
              United States Attorney

17 By: /s/ Brenda Weksler  
18       BREND A WEKSLER,  
         Assistant Federal Public Defender

By: /s/ Phillip N. Smith, Jr.  
         PHILLIP N. SMITH, JR.,  
         Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DUSTIN MCCASKILL ,

Defendant.

Case No.: **15-cr-00030-GMN-CWH**

FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The client is in custody and does not oppose the continuance.
2. The parties have commenced negotiations which might obviate the need for the Government to respond.
3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the defendant sufficient time to complete necessary research, prepare and submit appropriate pretrial motions.
4. Denial of this request for continuance would deny counsel for the defendant sufficient time to effectively and thoroughly prepare and submit pretrial motions and notices of defense, taking into account the exercise of due diligence.
5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).
6. This is the fifth stipulation to continue filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the motion dates.

1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest of the  
3 public and the defendant in a speedy trial, since the failure to grant said continuance would be likely  
4 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity  
5 within which to be able to effectively and thoroughly prepare for trial, taking into account the  
6 exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United  
8 States Code, §§ 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, § 3161 (h)(7)(A), when  
9 considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

10 **ORDER**

11 IT IS THEREFORE ORDERED, that the parties herein shall have to and including  
12 May 28, 2015, by the hour of 4:00 p.m., within which to file any and all responsive pleadings.

13 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall  
14 have to and including June 4, 2015, by the hour of 4:00 p.m., within which to file any and all replies  
15 to dispositive motions.

16 DATED this 14th day of May, 2015.

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18 UNITED STATES MAGISTRATE JUDGE  
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